

Exhibit I

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

4 EVELYN L. MCKINLEY,)
5 Plaintiff,)
6 vs.) Civil Action
7 HONORABLE LES BROWNLEE,) No. 04-222 E
8 ACTING SECRETARY OF THE)
9 ARMY,)
Defendant.)

COPY

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12
13 ARNOLD D. FAIRBANKS, a witness herein,
14 called on behalf of the Plaintiff for
15 examination, taken pursuant to the Federal
16 Rules of Civil Procedure, by and before Denise
17 E. Grumski, Registered Professional Reporter
18 and Notary Public in and for the Commonwealth
19 of Pennsylvania, at 99th RSC ECS #103(G), 6467
20 Mike Wood Boulevard, Conneaut Lake,
21 Pennsylvania, on Friday, September 9, 2005 at
22 9:04 a.m.

1 A. Fairbanks - by Mr. Sanders

2 Q. One of the other recommendations we
3 will give to a witness -- that's what you're
4 called this morning -- is that you try to wait
5 till the question is finished before you start
6 answering it. So that Denise here who is
7 sitting next to you will not have to be typing
8 the question and the answer at the same time.
9 Do you follow that?

10 A. Yes.

11 Q. Okay. Do you know of any reason from
12 your own medical situation, your own medical
13 situation, why you cannot answer any questions
14 this morning?

15 A. Not at all.

16 Q. Are you currently taking any prescribed
17 medications?

18 A. No.

19 Q. Are you currently employed?

20 A. Yes.

21 Q. By whom are you employed?

22 A. The Department of the Army.

23 Q. Pardon me?

24 A. Department of the Army.

25 Q. And we are in a room here in Geneva,

1 A. Fairbanks - by Mr. Sanders

2 Pennsylvania; is that correct?

3 A. Yes.

4 Q. Does this room have any connection to
5 you?

6 A. It's my office.

7 Q. And what month of what year did you
8 start officing in this office?

9 A. April of 2003.

10 Q. Are you sure of that?

11 A. I believe that would -- yes, sir, I
12 think it is.

13 Q. And who officed in this office before
14 you?

15 A. Albert Morell.

16 Q. How do you know that?

17 A. He was the ECS manager when I was
18 selected to backfill his position. I was hired
19 here in November of '02 as a backfill for his
20 position.

21 Q. I'll ask you the question again. How
22 do you know that this was Morell's office
23 before you officed here?

24 A. He was here while I was here.

25 Q. Did you actually see him in this

1 A. Fairbanks - by Mr. Sanders

2 A. I think it was April of '03.

3 Q. What was your assignment between
4 November of '02 and April of '03 if Morell was
5 still the manager?

6 A. I was the ECS manager.

7 Q. What was he?

8 A. He was the ECS manager.

9 Q. So you had two ECS managers at the same
10 time?

11 A. Correct.

12 (Fairbanks Deposition Exhibit No.
13 1 was marked for identification.)

14 Q. Let me show you Exhibit 1 and ask you
15 if you have that in your hand?

16 A. Yes, I do.

17 Q. Were you the ECS manager here on
18 January 6th of '04?

19 A. Yes.

20 Q. Take a look at the last page of this
21 exhibit. Do you have that in front of you?

22 A. Yes, I do.

23 Q. What is John McCandless' position today
24 here at ECS 103?

25 A. He doesn't have a position here at ECS